

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTHONY G. GILL,

Plaintiff,

v.

No. 9:02-cv-1460
(FJS/RFT)

CHRIS PIDLYPCHAK, Correction Officer and
T.G. DYGERT, Correction Officer,

Defendants.

APPEARANCES:

ANTHONY G. GILL
Plaintiff, Pro Se
94-A-8208
Great Meadow Correctional Facility
Box 51
Comstock, New York 12821-0051

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
The Capitol
Albany, New York 12224

OF COUNSEL:

DOUGLAS GOGLIA, Esq.
Asst. Attorney General

FREDERICK J. SCULLIN, JR., S.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge Randolph F. Treece filed November 20, 2006 and the Court having reviewed the Report-

Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed November 20, 2006 is **ACCEPTED** in its entirety, for the reasons stated therein; and it is further

ORDERED, that the Order granting Gill's IFP status is **VACATED**; and it is further

ORDERED, that Defendants' Letter-Motion seeking dismissal of Gill's Complaint pursuant to 28 U.S.C. § 1915(g) is **GRANTED** unless Gill pays the filing fee of \$150.00 within thirty days of this final order.

IT IS SO ORDERED.

DATED: December 19, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge